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**OFFICE OF PETITIONS**

In re Application of  
Ian L. Brown et al.  
Application No. 10/072,942  
Filed: February 12, 2002  
Attorney Docket No.: 50179-101

ON PETITION

This is a decision on the request for reconsideration, filed December 13, 2005 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 7, 2002, for failure to file a timely reply to the Notice to File Corrected Application Papers, mailed May 6, 2002. A two month period for reply was set. Accordingly, a Notice of Abandonment was mailed on January 16, 2004.

A petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 15, 2005 was dismissed in a decision mailed November 17, 2005. Petitioner asserted, and maintains that a response was mailed June 28, 2002 and that a substitute specification was timely submitted as the response to the Notice to File Corrected Application Papers mailed May 6, 2002. In support, petitioner submitted, *inter alia*, a copy of a post card receipt, date stamped June 28, 2002 by the USPTO and cover page used for submitting the response (corrected application papers).

In the previous decision dismissing the petition it was noted that while a document purporting to be the response was filed June 28, 2002, the review of the file did not disclose that the actual substitute specification was of record.

Comes now petitioner with a copy of the substitute specification purported to have been filed on June 28, 2002 and for which the post card receipt substantiates the claim that it was in fact timely filed on that date. In view thereof, **the petition to withdraw the holding of abandonment is GRANTED and the Notice of Abandonment is VACATED.**

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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